UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,652	12/31/2003	Andreas Myka	042933/269511	9395

826 7590 06/29/2006

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER	
MORRISON, JAY A	

ART UNIT	PAPER NUMBER
2168	

DATE MAILED: 06/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/749,652	MYKA ET AL.	
	Examiner	Art Unit	
	Jay A. Morrison	2168	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *31 December 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-65* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-65* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *30 June 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *12/31/03 & 8/11/05*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-65 are pending.

Claim Objections

2. Claims 12 and 44 are objected to because of the following informalities:

   a. As per claim 12, line 3: "received form" should be "received from".

   b. As per claim 44: claim must end with a period.

   c. As per claim 61, line 29: 'the system of claim 51" should be "the system of claim 61'. (note: Office notices that it is grouped among other claims in the claim tree while pointing outside of claim tree and makes no sense in this context, so it must be a simple typing error).

   d. As per claim 62, line 2: 'addition' should be 'additional'.

   Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 7-9,28,37,39,44,62 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 7 recites the limitation "the captured media file metadata information" in line 11-12. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination the Office will assume applicant meant "media file metadata information".

Claim 8 recites the limitation "the one or more captured media files" in line 15. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination the Office will assume applicant meant "media file metadata information".

Claim 9 recites the limitation "the one or more captured media files" in line 19. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination the Office will assume applicant meant "media file metadata information".

Claim 28 recites the limitation "the master media file" in line 19. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination the Office will assume applicant meant "plurality of media files".

Claim 37 recites the limitation "the metadata information" in lines 4-5. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination the Office will assume applicant meant "media file metadata information".

Claim 39 recites the limitation "the master media file" in lines 15. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination the Office will assume applicant meant "captured media file".

Claim 44 recites the limitation "the metadata information" in line 9. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination the Office will assume applicant meant "metadata related to one or more slave devices".

Claim 62 recites the limitation "the master metadata file" in line 2. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination the Office will assume applicant meant "associated media file metadata".

Claim 62 recites the limitation "the group" in line 2. There is insufficient antecedent basis for this limitation in the claim. For purposes of examination the Office will assume applicant meant "one or more slave devices".

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-2,7-36,42-46,51,61 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

As per claims 1-2,7-36,42-46,51,61, the cited claims do not produce a tangible result. Data structures not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). Such claimed data structures do not define any structural and functional interrelationships between the data structure and other claimed aspects of the invention which permit the data structure's functionality to be realized. In contrast, a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware

components which permit the data structure's functionality to be realized, and is thus statutory. In addition, claims that do not in any way make tangible any results are also not statutory.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

8. Claims 1-65 are rejected under 35 U.S.C. 102(e) as being anticipated by Grosvenor et al. ('Grosvenor' hereinafter) (Publication Number 20030021591).

As per claim 1, Grosvenor teaches

"A digital device, the digital device comprising:" (see abstract)

"a data processor: a communication transceiver in communication with the data processor that is capable of monitoring an environment and receiving communications from one or more devices in the environment" (first users camera, paragraph [0054]);

"a bonding application that is executed by the data processor and provides for the bonding of the digital device to one or more devices in the environment and provides for recordation of information related to the one or more bonded devices and

information related to the users of the one or more bonded devices" (paragraphs [0057]-[0058]);

"a media transfer application that is executed by the data processor and provides for media file transfer parameters that include instructions for creation of media file metadata information" (paragraph [0067]);

"and a memory unit that is in communication with the data processor and stores the information recorded by the bonding application as bonded device metadata information" (paragraph [0060]);

As per claim 2, Grosvenor teaches

"a media capture device that captures media files having associated media file metadata information" (camera takes photographs and tags them with the time taken, paragraph [0067]-[0068]).

As per claim 3, Grosvenor teaches

"a display and a grouping application, wherein the grouping application is executed by the processor and provides for display of a group mode menu structure that allows a device user to define a group event" (paragraph [0057]).

As per claim 4, Grosvenor teaches

"the grouping application further provides for creation of a group file related to the group event, the group file provides storage for media files associated with the event" (weblink or address, paragraph [0059]).

As per claim 5, Grosvenor teaches

"the grouping application further provides for display of a group mode menu structure that allows a device user to communicate stored media files and media file metadata information to one or more bonded devices" (review prior to sharing, paragraph [0057]).

As per claim 6, Grosvenor teaches

"the grouping application further provides for display of a group mode menu structure that allows a device user to select an automatic communication mode that automatically communicates, upon capture, media files and media file metadata information to one or more bonded devices" (paragraph [0075]).

As per claim 7, Grosvenor teaches

"a metadata correlation application executed by the data processor that combines the captured media file metadata information with the bonded device metadata information" (added, paragraph [0069]).

As per claim 8, Grosvenor teaches

"the communication transceiver communicates the one or more captured media files and the combined metadata to one or more remote devices" (paragraph [0067]).

As per claim 9, Grosvenor teaches

"the communication transceiver communicates the one or more captured media files and the combined metadata to one or more remote devices according to one or more remote device addresses stored as bonded device metadata information" (address of repository, paragraph [0100]).

As per claim 10, Grosvenor teaches

"the media transfer application further provides for the media file transfer parameters to be communicated to the one or more bonded devices" (synchronization code, paragraph [0094]).

As per claim 11, Grosvenor teaches

"the media transfer application that provides for media file transfer parameters to be communicated to the one or more bonded devices further defines the media file transfer parameters as including instructions for transmitting media files captured at the one or more bonded devices" (informed of repository address, paragraph [0099]).

As per claim 12, Grosvenor teaches

"a media file collection application executed by the data processor that organizes media files received form the one or more bonded devices according to the media file metadata information" (event ID by users to access their photographs, paragraph [0060]).

As per claim 13, Grosvenor teaches

"the communication transceiver is further defined as a short-range communication transceiver" (Bluetooth, paragraph [0062]).

As per claim 14, Grosvenor teaches

A method for wireless bonding of devices and communicating media file transfer parameters, the method comprising the steps of:" (see abstract)

"monitoring, at a master device, an area of interest for the presence of potential bondable devices; receiving, at the master device, a presence signal from a potential bondable device" (paragraph [0055]);

"determining bond capability of the potential bondable device" (compatible cameras, paragraph [0056]);

"approving the potential bondable device as a bonded device" (synchronizing, paragraph [0056]);

"and communicating, from the master device to the bonded device, media file transfer parameters, including definition of the media file metadata that is to be included with a captured media file" (paragraph [0067]-[0068]).

As per claim 15, Grosvenor teaches

"the step of communicating, from the master device to the bonded device, media file transfer parameters occurs during the bond approval process" (id and time passed new cameras which are thus synchronized, paragraph [0065]).

As per claim 16, Grosvenor teaches

"the step of communicating, from the master device to the bonded device, media file transfer parameters occurs after the bond approval process (reference codes, paragraphs [0106]-[0111]).

As per claim 17, Grosvenor teaches

"the step of communicating, from the master device to the bonded device, media file transfer parameters, further includes one or more destination addresses for communicating captured media files" (address of repository, paragraph [0100]).

As per claim 18, Grosvenor teaches

"the step of communicating, from the master device to the bonded device, media file transfer parameters, further includes one or more destination addresses for communicating captured media files, wherein at least one of the destination addresses is the master device address" (paragraph [0100]).

As per claim 19, Grosvenor teaches

"the step of communicating, from the master device to the bonded device, media file transfer parameters, further includes one or more destination addresses for communicating captured media files, wherein at least one of the destination addresses is an intermediary device address" (paragraph [0100]).

As per claim 20, Grosvenor teaches

"the step of determining a bond capability of the potential bondable device occurs at the master device" (paragraph [0066]).

As per claim 21, Grosvenor teaches

"the step of determining a bond capability of the potential bondable device occurs at the potential bondable device" (paragraph [0098]).

As per claim 22, Grosvenor teaches

"the step of approving the potential bondable device for bonding occurs at the master device" (paragraph [0066]).

As per claim 23, Grosvenor teaches

"the step of approving the potential bondable device for bonding occurs at the potential bondable device" (paragraph [0098]).

As per claim 24, Grosvenor teaches

"A method for communicating media files and associated media file metadata from a bonded device to a master device, the method comprising the steps of:" (see abstract)

"bonding one or more slave devices to a master device according to predetermined media file transfer parameters" (paragraphs [0057]-[0058]);

"and communicating a plurality media files from the one or more bonded devices to one or more remote devices, the plurality of media files having metadata information as defined by the predetermined media file transfer parameters" (paragraph [0067]).

As per claim 25, Grosvenor teaches

"the step of combining, at one of the remote devices, the plurality of media files into a master media file" (catalogue, paragraph [0067]).

As per claim 26, Grosvenor teaches

"the step of combining, at one of the remote devices, the metadata information of the plurality of media files into a master metadata file" (catalog, paragraph [0067]).

As per claim 27, Grosvenor teaches

"the step of communicating the master media file to one or more of the slave devices" (access catalog, paragraph [0067]).

As per claim 28, Grosvenor teaches

"the step of communicating the master media file to one or more non-bonded devices" (paragraph [0073]).

As per claim 29, Grosvenor teaches

"the step of recording, at the master device, metadata information related to the one or more bonded devices" (code specific to the camera, paragraph [0061]).

As per claim 30, Grosvenor teaches

"the step of correlating, at the one or more remote devices, the bonded device metadata information with the media file metadata information" (cameras synchronized given id, paragraph [0082]).

As per claim 31, Grosvenor teaches

"A method for communicating media files and associated media file metadata from a master device to a bonded device, the method comprising the steps of:" (see abstract)

"bonding one or more remote devices to a master device according to predetermined media file transfer parameters" (automatically, paragraph [0075]);

"recording, at the master device, bonded device metadata information creating a media file at the master device having associated media file metadata information"

(camera takes photographs and tags them with the time taken, paragraph [0067]-[0068]);

"and communicating the media file, the media file metadata and the bonded device metadata information from the master device to one or more of the bonded devices" (paragraph [0100]).

As per claim 32, Grosvenor teaches

"the step of combining, at the master device, the bonded device metadata information and the media file metadata information" (paragraph [0067]).

As per claim 33, Grosvenor teaches

"the step of bonding one or more remote devices to a master device according to predetermined media file transfer parameters further defines the predetermined media file transfer parameters as including criteria for bonding a device" (paragraph [0075]).

As per claim 34, Grosvenor teaches

"A system for communicating media files and assembling a collection of associated media files, the system comprising:" (see abstract)

"a master device that monitors an environment for slave devices and includes: a processor that executes a bonding application to bond the master device to one or more slave devices, a memory device in communication with the processor that stores metadata information related to one or more slave devices and the users of the one or

more slave devices, and a media transfer application that provides for media file transfer parameters that include instructions for creation of media file metadata information" (paragraph [0072]);

"and one or more slave devices that are bonded to the master device by successful execution of the bonding application" (paragraph [0072]).

As per claim 35, Grosvenor teaches

"the one or more slave devices capture media files and communicate the captured media files to one or more devices that include processors that execute a media file collection application" (paragraph [0067]-[0068]).

As per claim 36, Grosvenor teaches .

"the one or more devices that include processors that execute a media file collection application include the master device" (paragraph [0067]).

As per claim 37, Grosvenor teaches

"the media file collection application comprises a computer readable storage medium having computer-readable program instructions embodied in the medium, the computer-readable program instructions include instructions for categorizing the media files in relation to the metadata information" (paragraph [0060]).

As per claim 38, Grosvenor teaches

"the media file collection application comprises a computer readable storage medium having computer-readable program instructions embodied in the medium, the computer-readable program instructions include instructions for assembling the media files in a master media file" (catalog, paragraph [0067]).

As per claim 39, Grosvenor teaches

"the media file collection application comprises a computer readable storage medium having computer-readable program instructions embodied in the medium, the computer-readable program instructions include instructions for communicating the master media file to one or more of the slave devices" (paragraph [0067]).

As per claim 40,

"the media file collection application comprises a computer readable storage medium having computer-readable program instructions embodied in the medium, the computer-readable program instructions include instructions for communicating the collection of media files to one or more non-bonded devices" (paragraph [0073]).

As per claim 41, Grosvenor teaches

"the media file collection application comprises a computer readable storage medium having computer-readable program instructions embodied in the medium, the computer-readable program instructions include instructions for combining metadata

related to the captured media files to form a master metadata file" (added, paragraph [0069]).

As per claim 42, Grosvenor teaches

"the master device communicates file transfer parameters to the one or more slave devices" (synchronization code, paragraph [0094]).

As per claim 43, Grosvenor teaches

"the master device communicates file transfer parameters to the one or more slave devices and the file transfer parameters include a device address of a device having a processor that executes a media file collection application" (paragraph [0073]).

As per claim 44, Grosvenor teaches

"the master device communicates file transfer parameters to the one or more slave devices and the file transfer parameters include definition of at least one item of the metadata information" (paragraph [0075]).

As per claim 45, Grosvenor teaches

"the one or more slave devices capture media files and communicate, according to the file transfer parameters, the captured media files to one or more devices having processors that execute a media file collection application" (paragraph [0074]).

As per claim 46, Grosvenor teaches

"the master device further comprises a media capture device that captures media files having associated media file metadata information" (camera takes photographs and tags them with the time taken, paragraph [0067]-[0068]).

As per claim 47, Grosvenor teaches

"the master device further comprises a display and a grouping application, the grouping application is executed by the processor and provides for display of a group mode menu structure that allows a device user to define a group event" (paragraph [0057]).

As per claim 48, Grosvenor teaches

"the master device further comprises a display and a grouping application, the grouping application further provides for creation of a group file related to the group event, the group file provides storage for media files associated with the event" (paragraph [0057]).

As per claim 49, Grosvenor teaches

"the master device further comprises a display and a grouping application, the grouping application further provides for display of a group mode menu structure that allows a device user to communicate stored media files and media file metadata information to one or more bonded devices" (paragraph [0057]).

As per claim 50, Grosvenor teaches

"the master device further comprises a display and a grouping application, the grouping application further provides for display of a group mode menu structure that allows a device user to select an automatic communication mode that automatically communicates, upon capture, media files and media file metadata information to one or more bonded devices" (paragraph [0057]).

As per claim 51, Grosvenor teaches

"the one or more slave devices communicate the captured media files to one or more devices by wireless communication chosen from the group consisting of Bluetooth, wireless local area network (WLAN), radio frequency identification (RFID) and wireless telecom network" (paragraph [0062]).

As per claim 52, Grosvenor teaches

"A system for communicating media files and assembling a collection of media files, the system comprising:" (see abstract)

"a master device that provides bonding capability" (paragraph [0070]);

"a media file collection application in communication with the master device" (repository, paragraph [0072]);

"and one or more slave devices that bond with the master device and communicate with the master device during a bond period, wherein the slave devices

capture media files during the bond period and communicate the captured media files and associated media file metadata to the media file collection application, wherein the media file collection application comprises a computer readable storage medium having computer-readable program instructions embodied in the medium, the computer-readable program instructions include instructions for combining a plurality of media files communicated from the one or more slave devices to form a collection of media files associated with the bond period" (paragraph [0067]).

As per claim 53, Grosvenor teaches

"the master device implements the media file collection application" (paragraph [0067]).

As per claim 54, Grosvenor teaches

"the one or more slave devices capture media files during the bond period and communicate the captured media files and associated media file metadata to the master device" (paragraph [0076]).

As per claim 55, Grosvenor teaches

"an intermediary device that implements the media file collection application" (repository, paragraph [0072]).

As per claim 56, Grosvenor teaches

"the one or more slave devices capture media files during the bond period and communicate the captured media files and associated media file metadata to the intermediary device" (repository, paragraph [0072]).

As per claim 57, Grosvenor teaches

"the one or more slave devices capture media files during the bond period and communicate the captured media files and associated media file metadata to the master device, which in turn communicates the captured media files and associated media file metadata to the intermediary device" (paragraph [0072]).

As per claim 58, Grosvenor teaches

"the media file collection application further includes instructions for correlating the media file metadata" (paragraphs [0082]-[0083]).

As per claim 59, Grosvenor teaches

"the media file collection application further includes instructions for correlating the media file metadata and calendar event metadata" (date and time, paragraph [0064]).

As per claim 60, Grosvenor teaches

"the media file collection application further includes instructions for combining the media file metadata to form a master metadata file related to the media files captured during the bond period" (catalog, paragraph [0067]).

As per claim 61, Grosvenor teaches

"the media file collection application further includes instructions for adding additional metadata to the master metadata file" (paragraph [0069]).

As per claim 62, Grosvenor teaches

"the media file collection application further includes instructions for adding addition metadata to the master metadata file, the additional metadata chosen from the group consisting of bookmark metadata, annotation metadata and comment metadata" (paragraph [0067]-[0069]).

As per claim 63, Grosvenor teaches

"the media file collection application further includes instructions for communicating the collection of media files to one or more of the slave devices" (paragraph [0093]-[0099]).

As per claim 64, Grosvenor teaches

"the media file collection application further includes instructions for communicating the collection of media files to one or more non-bonded devices" (paragraph [0073]).

As per claim 65, Grosvenor teaches

This claim is rejected on grounds corresponding to the arguments given above for rejected claim 51 and is similarly rejected.

Conclusion

9. The prior art made of record, listed on form PTO-892, and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jay A. Morrison whose telephone number is (571) 272-7112. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tim Vo can be reached on (571) 272-3642. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jay Morrison
TC2100

Tim Vo
TC2100